

CHAPTER 309 PUBLIC WORKS

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309-1. Department of Public Works.

1. DUTIES.

a. The department of public works shall be responsible for all matters relating to the design, construction, maintenance and operation of the physical properties of the city of Milwaukee including the streets, street appurtenances, alleys, pedestrian ways, malls, bridges, public buildings, water works, and storm and sanitary collection facilities, parking, the landscaping of public space and the maintenance of vacant, city-owned lots. The department is also responsible for citation processing contract administration, parking checker, tow desk and night parking call-in desk functions, solid waste collection and disposal, street cleaning, snow and ice control and removal, and operation and maintenance of the city's centralized fleet of motor vehicles.

b. Pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioner's designees may issue citations for nonmoving traffic violations pursuant to the citation procedure in s. 50-25. The commissioner of public works and the commissioner's designees are deemed traffic officers for the purpose of regulating and enforcing nonmoving traffic violations.

2. COMMISSIONER. The department shall be under the supervision of the commissioner of public works. The commissioner shall appoint the directors of the various divisions in the department, except the divisions of infrastructure services and water works. The commissioner shall have supervision over the division directors and all department employees, except as otherwise provided by s. 8-07 and s. 14-12.5 of the charter. The commissioner shall have charge and custody of all physical property of the city, other than records, not assigned to some other officer or employee.

3. ORGANIZATION. The department shall consist of the divisions of administrative services, infrastructure services, operations and water works.

309-10. Marking of City-owned Cars and Equipment. All automotive and other equipment belonging to the city under the control of the department of public works operations division except those automobiles designated by the director of the division and used by the common council, the mayor's office, the city attorney's office, the office of the commissioner of public works, the department of city development, the health department, the department of neighborhood services (one car), the director of the operations division, the commissioner of health, the city engineer and the city treasurer (one car), shall be prominently marked on each side thereof, with the words "CITY OF MILWAUKEE", and an identifying number on the rear with the letters "DPW", and the same number on the front with the number only. In lieu thereof, similarly designated automobiles used by the harbor commission may bear its "PORT OF MILWAUKEE" insignia and the identifying number of the operations division.

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309-20. Selling Compressed Natural Gas to the Public. The department of public works may sell compressed natural gas to the public. The price for compressed natural gas sold shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the compressed natural gas itself.
2. All applicable taxes.
3. All pro rata share of fueling station operating and maintenance costs.
4. A fleet overhead factor determined by the commissioner.
5. The cost of credit card processing or other direct sale costs.
6. Three cents per gasoline gallon equivalent unit.

309-22. Selling Electric Vehicle Recharging Services to the Public. The department of public works may sell electric vehicle charging services to the public. The price for recharging services shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the electricity itself.
2. All applicable taxes.
3. A pro rata share of the capital, operating and maintenance costs of the recharging station.
4. A recharging station site fee equal to the pro rata share to out-of-pocket site costs plus a reasonable estimate made by the commissioner of public works of revenues lost by the city, if any, had the site been used in a manner consistent with comparable property.
5. The cost of credit card processing or other direct sale costs.
6. A premium of 1.5% kilowatt hour of cost of the electricity itself.

309-30. Fees for Construction Plans and Specifications. The department may charge fees for the reproduction and distribution of plans and specifications for the construction of paving projects; water main work; sewer work; building, bridge and recreational facility work; and other public works projects.

309-38. Apprenticeship and On-The-Job Trainee Requirements for Construction Contracts.

1. DEFINITIONS. In this section:

a. "Apprentice" means any person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer, in consideration for his or her services, in whole or in part, instruction in any trade, craft or business. Apprenticeship agreements shall be governed by ch. 106, Wis. Stats.

b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

d. "Contracting department" means any city department, agency, board or commission that has contracting responsibilities.

e. "Contractor" means a separate distinguishable business entity participating or seeking to participate in the performance of a contract.

2. REQUIREMENTS. The specifications for every construction contract in excess of \$100,000 entered into by the city shall contain, where appropriate:

a. A requirement that the contractor employ apprentices and on-the-job trainees in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and give fair consideration to all segments of the population, including women and minorities,

b. In the case of contracts greater than \$500,000, where appropriate, all of the following requirements:

b-1. One-quarter of the apprentices and on-the-job trainees required under par. a, as measured in worker hours, shall be unemployed or underemployed residents of the city, as defined in s. 309-41. For every worker hour exceeding the requirements of this paragraph, one-and-a-half hours shall be credited toward the requirements of s. 309-41-2-a.

b-2. Of the apprentice and on-the-job trainee worker hours required under par. b-1, at least 40 percent shall be attributable to unemployed or underemployed residents residing in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs.

b-3. Apprentice and on-the-job trainee worker hours of a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of s. 309-41 shall not be credited toward meeting the contract participation requirements of sub. 2-b unless the resident had not worked on the same project for the same contractor prior to the 15-day period.

c. In determining whether the requirements of par. a and b are appropriate for insertion in specification for a particular contract, the contracting department may consider the nature of the work, whether the contract is of short duration, and whether the work will involve trades which do not have apprentices or on-the-job trainees.

3. MONITORING AND ENFORCEMENT. The contracting department shall:

a. Determine whether the work involves trades that have apprentices or on-the-job trainees and the appropriate level of participation of apprentices and on-the-job trainees per trade for inclusion in the contract specifications.

b. Monitor the performance of each contract with respect to the ratio of apprentices to journeymen employed on the project during performance of the contract.

c. Require all contractors and subcontractors to maintain records concerning its apprenticeship program, which shall be retained for 3 years after the contractor has received final payment under the contract. These records shall be made available to the contracting department for inspection upon reasonable notice.

d. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports showing compliance with any contract requirements imposed in accordance with this section.

4. SANCTIONS. Every construction contract effected by this section shall contain language indicating that if any documents submitted to the contracting department by a contractor, subcontractor, bidder or individual contain any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with the provisions of this section, the contracting department may direct the imposition of any of the following sanctions:

a. Withholding of payments.

b. Termination, suspension or cancellation of the contract in whole or in part.

c. After a due process hearing, denial of the right to participate in future contracts awarded by the city for 2 years.

309-39. Public Building Contracts.

1. ADVERTISING FOR BIDS. For those public contracts calling for the construction, repair, remodeling or improvement of public buildings, the commissioner of public works is authorized to call for bids for a single contract or up to 6 separate branches of work. Contracts shall be awarded based on the lowest responsible bidder for each contract to be let.

2. BRANCHES OF PUBLIC BUILDING WORK. For the purposes of this section, branches of public work consist of:

a. General construction, including but not limited to: site work and landscaping; concrete work; masonry work; structural steel and miscellaneous metals; carpentry work; moisture control; windows, doors, glass and glazing; interior finishes; building equipment; and furnishings.

b. Roofing.

c. Heating, ventilating and air conditioning.

d. Plumbing.

e. Electrical, except as required for elevators.

f. Elevators.

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309-41. Participation of City Residents in Public Works Contracts.

1. DEFINITIONS. In this section:
 - a. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.
 - b. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.
 - c. "Contractor" means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.
 - d. "Department" means the department of public works or other city department administering a city construction contract.
 - e. "Resident" means a person who maintains his or her place of permanent abode within the city. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the city. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.
 - f. "Unemployed or underemployed" means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 15 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin department of public instruction to define eligibility for reduced lunch in public schools.
 - g. "Worker hours" means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. "Worker hours" includes work performed by persons filling apprenticeships and participating in on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

2. REQUIREMENTS. All construction contracts and other contracts as the commissioner of public works may determine, which are funded in whole or in part by city, state or federal funds, where appropriate and consistent with law, shall contain:

a. A requirement that 40% of the worker hours, subject to the provisions of sub. 3-a-2, shall be performed by unemployed or underemployed residents, and that contractors and subcontractors shall give fair consideration to all segments of the population including women and minorities.

b. A provision in which the contractor certifies that it knows of the provisions of this section and intends to comply with them.

c. A requirement that contractors and subcontractors maintain personnel records listing the name, and address, race and gender of all employee utilized for each contract, and any records demonstrating that the employees utilized by the contractor in meeting the requirements of this section are residents. These records shall be maintained for 7 years after the contractor has received final payment under the contract, and shall be made available to the department for inspection upon reasonable notice.

d. A requirement that at least one quarter of the worker hours required in par. a be performed by unemployed or underemployed residents who maintain their permanent residence in zip codes established as high-poverty, as determined by the city clerk on January 1 every three years beginning in 2017, in consultation with the department of administration and based on income guidelines established by the U.S. department of housing and urban development for poverty relief and housing block grant programs.

e. A requirement that all contractors and subcontractors utilize a local workforce development agency as a first-source option for recruiting applicants for both new and replacement employment, as provided in s. 355-11.

3. ADMINISTRATION. The department shall be responsible for the planning implementation and enforcement of this section.

a. Planning and Implementation. Prior to the commencement of any construction or other project covered by this section, the department shall:

a-1. Identify the approximate number of job positions and worker hours involved in the project.

a-2. Determine the appropriate level of participation of unemployed or underemployed residents of the city for inclusion in the contract specifications. The appropriate level of participation shall be presumed to be 40%, unless the department determines there is sufficient reason to impose a lesser requirement. However, the commissioner of public works may require greater levels of participation if the commissioner finds that such levels may be warranted for certain contracts. Up to one-third of required worker hours may be achieved by documenting the use of unemployed or underemployed residents on projects undertaken by the contractor where such compliance is not required, or by hiring unemployed or underemployed residents on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.

b. Monitoring and Enforcement. The department shall:

b-1. Monitor compliance with the provisions of this section.

b-2. Require all contractors and subcontractors, prior to commencement of the work, to submit affidavits on forms supplied by the department from employees utilized to meet the requirements of this section, stating that the employee is both unemployed or underemployed and is a resident.

b-3. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports listing workers by name, race, gender, residential address, work classification and hours worked.

b-4. Arrange for an independent audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin or by the city comptroller.

b-5. Maintain racial demographics and residency information regarding job positions in all construction contracts administered by the department.

b-6. Ensure that all data required for reporting under this section are maintained in a centralized labor or contract compliance software system, as provided in s. 370-3-5.

b-7. Maintain, and verify every 3 years in coordination with the workforce development coordinator, a list of residents qualified under this section, including information relating to skills and sector-specific work experience.

3.5. EXCEPTIONS.

a. If a contractor cannot meet the participation requirements of sub. 2-a, the appropriate level of participation may, at the discretion of the department, be met by utilizing unemployed or underemployed residents to work on concurrent projects in any Wisconsin county, provided those residents began their employment on projects in the city.

b. For every worker hour exceeding the requirements of sub. 2-d, one-and-a-half hours shall be credited toward meeting the requirements of sub. 2-a.

c. The hours worked by a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of sub. 1-f shall not be credited toward meeting the contract participation requirements of sub. 2-a unless the resident had not worked on the same project for the same contractor prior to the 15-day period.

4. ANNUAL REVIEW. The residents preference program established by this section shall be reviewed by the common council, in consultation with the mayor, and the residents preference program review commission on or before October 1 of each year, to review the necessity for the continuation of the program and, if necessary, adjust the requirements of the program in an attempt to reduce the disparity between the unemployment statistics among different zip codes in the city and between the city as a whole and the Milwaukee metropolitan area.

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5. ANNUAL PROGRAM REPORT.

The department, in coordination with the office of equity and inclusion, the department of city development and the residents preference program review commission, shall prepare, on or before October 1 of each year, a residents preference program report on the city's success in achieving the goals of the program. The performance report shall include the following:

- a. The number and dollar amount of all construction contracts let
- b. The number and dollar amount of construction contracts which incorporated a residency requirement and the percentage of unemployed resident worker hours required.
- c. If not all construction contracts included a residency requirement or if some contracts contained a requirement of less than 40% of worker hours, the department shall state the reason for this difference.
- d. The number and dollar amount of non-construction contracts which incorporated a residency requirement, along with a summary of the reasons for not incorporating a residency requirement in some or all of those contracts.
- e. Full disclosure of the department's reasons for adjusting the participation percentage goal for individual contracts or groups of contracts.
- f. The percentage of total hours worked by city, non-city and non-state residents on construction contracts which included the residency requirement.
- g. Information to assist the common council in its annual reappraisal of the residents preference program, including the number of individual participants by job type, the number of new residents hired during the year under the program and the number of program participants who advanced to apprenticeships and on-the-job training programs.
- h. Unemployment rates in the city and the Milwaukee metropolitan area and the sources of the statistics.
- i. Recommendations regarding the necessity for continuation of the program and methods of making the program more successful.
- j. Information relating to worker hours by zip code, race, gender, trade and hourly wage.

6. ADOPTION OF RESOLUTION.

As soon as practicable after review of the residents preference program as provided in sub. 4, the common council shall adopt a resolution stating the results of its reappraisal of the necessity for continuance of the residents preference program and the required participation percentage goals. The department shall prepare said resolution for common council consideration each year.

7. SANCTIONS.

Every city contract awarded under this section shall contain language indicating that if any document submitted to the department by a contractor, subcontractor, bidder or individual contains any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with this section, the department may direct the imposition of any of the following sanctions:

- a. Withholding of payments.
- b. Termination, suspension or cancellation of the contract in whole or in part.
- c. After a due process hearing, denial of right to participate in future contracts awarded by the city for 2 years.

8. PENALTY.

Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 or more than \$5,000 together with the costs of prosecution, and upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

309-51. Rules for the Administration of the Metropolitan Sewerage District User Charges.

1. OVERALL RESPONSIBILITY FOR ADMINISTERING USER CHARGES. The commissioner of public works shall administer the sewer user charge. He shall apply the rules contained herein and make such amendments subject to approval by the utilities and licenses committee of the common council as may be required from time to time for proper application of the charge.

2. RESPONSIBILITIES OF THE CITY OFFICERS AND DEPARTMENTS ADMINISTERING USER CHARGES.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the sewer user charge. The superintendent of water works shall provide the department of administration with the account numbers for all properties which are included in the list of water accounts. Account numbers shall be provided for additions and deletions to the list as they are received. The superintendent of water works shall collect the sewer user charge and transmit the revenue therefrom to the city treasurer together with water revenues as received. The superintendent of water works shall approve the payment of bills submitted by city departments for expenses incurred in the application of the sewer user charge. In addition, the department shall perform the following duties:

a-1. Determination of user charge administration expenses. Account for expenses of all administrative charges to sewer user accounts, and make payments to the water department, department of administration, the city comptroller and other departments for reimbursable accounts charges.

a-2. Billing and collecting.

a-2-a. The sewer user charge shall be levied against water accounts and all other sewer users and shall be calculated by the water department, city comptroller, and the metropolitan sewerage district including the volumetric charge, the connection charge and the city of Milwaukee administrative charge.

a-2-b. The residential sewer user charge may be added to the water bill or billed to sewer users as a separate charge and shall be due and payable in the same manner as water bills. The commercial and industrial bills for sewer user charges will be billed approximately one month after the billing for water.

a-2-c. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water department where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1st shall be deemed delinquent. A penalty of 10% will be charged on the

outstanding balances that are deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

a-2-d. Billing and collecting. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage user district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

a-3. User charges.

a-3-a. The residential and noncertified commercial user charge shall be based on the volumetric charge, and the connection charge, as billed to the city of Milwaukee by the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge. The basis of the volumetric portion of the residential sewer use charge for the entire year may vary. The sewer use charge in the winter quarter shall be based upon actual water consumption. The winter quarter shall mean the quarterly billing period ending in February, March or April. The sewer use charge in the 3 subsequent quarterly billing periods shall be based upon actual water consumption, or the winter quarter water consumption, whichever is less. In the event the winter quarter water consumption is 21Ccf or less, then 21Ccf or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods. The charge to non-certified commercial users shall be based upon water consumption each billing period. The charge to certified users shall be the amounts as received on individual invoices from the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge.

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a-3-b. Where city of Milwaukee residents receive their water retail from suburban utilities, the water department shall obtain the water consumption data and bill the property for sewer user charge, regardless of to whose sewer the property is connected. Where city of Milwaukee residents have sewers connected to suburban sewers, the resident will be billed by the city of Milwaukee based on water consumption. Where suburban residents receive their water retail from the city of Milwaukee, the water department shall provide water consumption data to such suburbs.

a-3-c. Where water consumption data is exchanged under sub. 2-a-3-b. the water department shall bill the cost of the city of Milwaukee administration charges to such suburbs based on a determination by the water department.

a-3-d. A residential sewer user who obtains water from a private well shall submit to the superintendent of water works by April 1 of each year a form prescribed by the superintendent in which the residential user declares the number of people residing in the household. A residential sewer user shall receive sewer user charge bills for the ensuing 4 quarters based on the city average water consumption for the number of people residing in the household. If such form is not submitted, the bill shall be based on 2 persons more than the average number of people residing in a city of Milwaukee household. The city average water consumption and the average number of people residing in a household shall be determined by the metropolitan sewerage district.

a-4. Review of petitions for relief from sewer user charges. When petitions for relief from the sewer user charge are received by the water department, it shall evaluate them and, if substantiated, make necessary adjustments to make the charge reasonable and equitable in the judgment of the water department. To that end, the water department shall direct the department of administration to make the necessary adjustments in the sewer user charge accounts receivable and associated billing files.

b. City Engineer. The city engineer shall review those petitions for relief from the sewer user charge which are referred from the Milwaukee water works. Upon completion of each review, he shall report to the Milwaukee water works on his findings and recommend what action should be taken relative to the petition.

c. Milwaukee Water Works. The Milwaukee water works shall prepare the bills for the combined water-sewer user charge billing and shall prepare and maintain such programs as are required for the computation and proper billing and collections of the sewer user charge to all accounts. Such programs shall provide for billing in accordance with s. 309-53 and these rules. The water works shall maintain records of accounts receivable and provide all information required by the city comptroller. It shall also compute the distribution of cash received between water and sewer user charges as required by these rules.

d. City Comptroller. The administrative functions of the city comptroller shall include, but are not limited to, the following:

d-1. Establish sewer user rates as required by s. 309-53.

d-1-a. Sewer user rates shall provide for the recovery of the city of Milwaukee cost of administration for sewer use charges, known as the city of Milwaukee administrative charge. Total estimated costs of administering the sewer user charge will be allocated to all sewer users on the basis of equivalent meters.

d-1-b. The city administrative charge will be added to the volumetric charge and the connection charge as determined by the metropolitan sewerage district in order to establish the total sewer user rates to be charged to all classes of sewer users. The sewer user rates so determined will be adjusted by surpluses or deficits of the sewer user charge fund in an equitable manner.

d-2. Calculate certified commercial and all industrial rates based on billings to the city by metropolitan sewerage district, plus cost of administration, which shall be based on water department meter size for the property served.

d-3. Account and report for sewer user charges and cash receipts of residential, commercial and industrial accounts on the city's accounting records.

d-4. Make payments to the metropolitan sewerage district pursuant to the invoice of sewer user charges.

d-5. Following annual submission of all delinquent user charges by the water department, the city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as real estate taxes as provided by law.

e. City Treasurer. The city treasurer shall receive revenues from the sewer user charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as here before provided.

f. Neighborhood Services. The department of neighborhood services is designated as the department responsible for notifying the metropolitan sewerage district, the water department and the department of administration of any changes in status of commercial and industrial properties which may require a different classification for user charge purposes.

309-53. Metropolitan Sewerage District Use Charges.

1. PURPOSE. a. The wastewater of this municipality is collected and treated in whole or in part by the wastewater system operated by the Milwaukee metropolitan sewerage district (the district). The purpose of this section is to enable this municipality to establish and collect from users within the municipality those charges which represent the proportionate contribution by such users both to:

a-1. The cost of operating and maintaining the system; and

a-2. That part of the cost of past and future capital improvements in the system not defrayed by an ad valorem tax on real property.

b. The charges in par. a-1 and 2 are required to enable the district to become and remain eligible for federal grants for wastewater facility capital improvements.

2. INCORPORATION OF DISTRICT RULES AND REGULATIONS, CHAPTER 17

a. Applicability. The following sections and related appendices of district rules and regulations, Chapter 17 promulgated by the district, as now in effect and as the same may be amended incorporated by reference and shall be in full force and effect as though set forth in their entirety herein.

a-1. Section 1701.20 Definitions.

a-2. Section 1701.040 Municipal Transfer of Data.

a-3. Section 1701.041 Estimated Volume of Discharge.

a-4. Section 1701.050 User Transfer of Data.

a-5. Section 1701.051 Discharge Factor Certification.

a-6. Section 1701.052 Wastestrength Certification.

a-7. Section 1701.053 Certification Procedures.

a-8. Section 1701.054 Verification.

a-9. Section 1701.055 Audit Control of User Connections.

a-10. Section 1701.056 Appeal Provisions.

a-11. Section 1702.010 Purpose of the User Charge System.

a-12. Section 1702.020 User Charge Billing Basis.

a-13. Section 1702.030 Wholesale User Charge Billing Basis.

a-14. Section 1702.040 Unit Costs of Treatment.

a-15. Section 1703.010 Purpose of the Local Capital Cost Recovery (LCR) System.

a-16. Section 1703.020 LCBilling Basis.

a-17. Section 1703.030 Wholesale LCR Billing Basis.

a-18. Section 1703.040 Unit Costs of LCR.

a-19. Section 1704.010 Purpose of the Industrial Cost Recovery (ICR) System.

a-20. Section 1704.020 ICR Billing Basis.

a-21. Section 1704.030 Wholesale ICR Billing Basis.

a-22. Section 1704.040 Unit Costs of ICR.

b. Definitions. For purposes of this section "residential structure" as defined in district rules and regulations, Chapter 17, means any building accommodating exclusively one, 2, 3 or 4 residential units.

3. USERS CHARGES. There is imposed a charge on each user in this municipality who discharges wastewater, directly or indirectly, into the wastewater system operated by the district. The charge shall be in the amount specified for the various classes of users:

a. Residential Users. The residential user charge shall be based on a volumetric charge to be calculated by dividing the wholesale residential user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of residential water consumption. Individual residential user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of residential structures times the connection charge.

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b. Noncertified Commercial Users. The retail noncertified commercial user charge shall be based on a volumetric charge to be calculated by dividing the wholesale noncertified commercial user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of noncertified commercial water consumption. Individual noncertified commercial user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of service connections times the connection charge.

c. Discharge Certified Commercial Users. Each retail discharge certified commercial user charge shall be equal to each wholesale discharge certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

d. Wastestrength Certified Commercial Users. Each retail wastestrength certified commercial user charge shall be equal to each wholesale wastestrength certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

e. Noncertified Industrial Users. Each retail noncertified industrial user charge shall be equal to each wholesale noncertified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

f. Discharge Certified Industrial Users. Each retail discharge certified industrial user charge shall be equal to each wholesale discharge certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

g. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial user charge shall be equal to each wholesale wastestrength certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

4. LOCAL CAPITAL RECOVERY CHARGES. There is imposed a local capital recovery (LCR) charge on each industrial user in this municipality whose function is described by the Standard Industrial Classification (SIC) Division D, LCR User. The LCR charge shall be in the amount specified for the various classes of LCR users:

a. Noncertified Industrial Users. Each retail noncertified industrial LCR charge shall be

equal to each wholesale noncertified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. Discharge Certified Industrial Users. Each retail discharge certified industrial LCR charge shall be equal to each wholesale discharge certified LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial LCR charge shall be equal to each wholesale wastestrength certified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

5. INDUSTRIAL COST RECOVERY CHARGES. There is imposed an industrial cost (ICR) charge on each ICR user, as defined in district rules and regulations, Chapter 17, in this municipality. The ICR charge shall be in the amount specified for the various classes of ICR users:

a. Noncertified Industrial Users. Each retail noncertified industrial ICR charge shall be equal to each wholesale noncertified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. Discharge Certified Industrial Users. Each retail discharge certified industrial ICR charge shall be equal to each wholesale discharge certified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial ICR charge shall be equal to each wholesale wastestrength certified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

6. BILLING. a. User, LCR and ICR charges shall be billed quarterly or monthly as determined by the water works. Payment of such bills shall be made within 20 days after mailing by the municipality. In the event that such bill is not paid when due, a penalty of 3% on outstanding balances will be charged on all past due accounts billed quarterly, and a penalty of 1% on the outstanding balances will be charged on all past due accounts billed monthly. The quarterly bills for residential users shall be based upon water consumption in the winter quarter or water consumption in each succeeding quarter, whichever is less. Winter quarter

shall mean the quarter ending in February, March or April. In the event the winter quarter water consumption is 21Ccf or less, then 21Ccf, or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods.

b. All bills shall be payable at the Milwaukee water works, Zeidler municipal building, 841 North Broadway, or the office of the city treasurer, 200 East Wells Street.

c. In the event a user fails to certify data or in the event a user's certification is materially inaccurate or in the event there has been a substantial change in data since the date of the user's last certification, the district shall notify the user that the verification data determined by the district pursuant to s. 1701.054 of district rules and regulations, Chapter 17, shall be used to determine the charge due for the current billing period and all future billing periods until the user submits a new certified statement.

d. Should inspection or verification by the district reveal that any statement certified by a user is materially inaccurate, the district shall determine the proper charge due and forward the new computation to the municipality in order that a bill for the deficiency may be sent. This deficiency billing shall be retroactive to the date or dates when the bills based upon the inaccurate certification were originally due and interest charges shall be applied to each deficiency as provided in par. a.

e. Unpaid User, LCR and ICR charges shall be a lien upon the property served and shall be enforced as provided in s. 66.0821(4)(c), Wis. Stats.

f. Any person who violates, disobeys, omits, neglects or refuses to comply with any action required pursuant to district rules and regulations, Chapter 17, shall forfeit not less than \$10, nor more than \$200 for each offense, together with the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense. Such forfeitures are in addition to the user, LCR and ICR charges due the municipality.

7. LOCAL SEWERAGE CHARGES. In addition to the charges imposed pursuant to subs. 1 to 6 with respect to the usage of the wastewater system of the district, this municipality is also empowered pursuant to ss. 62.11(5) and 66.0821(4)(a), Wis. Stats., to establish and impose

sewer charges necessary to meet the capital and operating and maintenance expenses of its local sewer system. Such charges may be imposed by a separate ordinance.

309-54. Sewer-Related Charges.

1. PURPOSE AND FINDINGS.

a. **Sewerage System Generally.** The wastewater and storm water of the city of Milwaukee is collected and conveyed in the city owned operated and maintained sewerage system. This section permits the city to fund the recovery of the costs as defined by s. 66.0821(4)(a), Wis. Stats., related to the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including replacing fund advances or payments made by the city's general fund. These costs shall be paid out of revenue derived from a local sewerage charge, pursuant to s. 66.0821(3), Wis. Stats., and s. 12-27 of the city charter.

b. **Storm Water Management System.** The common council finds that management of storm water and other surface water discharge within the city of Milwaukee is a matter that affects the health, safety and welfare of the city, its citizens and businesses. Failure to effectively manage storm water may create, among other things, erosion of lands, damage to homes and businesses, and sedimentation and environmental damage to waterways within the city. In order to protect the health, safety and welfare of the public, the common council establishes a storm water management charge to support operation and maintenance of the storm water management components of the city sewerage system. The city may use storm water management charge revenues to, without limitation by reason of enumeration, acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed to be proper and reasonably necessary for management of storm water and other surface water discharge within the city. The common council further finds that those elements of the storm water management system that provide for the collection and disposal of storm water are of benefit to all real

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property within the city of Milwaukee, including property not presently served by that system. The costs of operating and maintaining the storm water management system and financing necessary repairs, replacement, improvements and extensions of the system should, to the maximum extent possible, be allocated in direct relationship to contributions of storm water to the system.

2. DEFINITIONS. In this section:

a. City sewerage system means a sewer system owned, operated and maintained by the city of Milwaukee, consisting of sanitary, combined and storm sewers.

b. Developed property means real property other than:

b-1. Vacant property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils of the property; or

b-2. Vacant property that is not, or could not reasonably, be served by any subdivision improvements that allow egress.

c. Dwelling means any building which contains one or more dwelling units and no other principal use, as defined in s. 295-201-465.

d. Dwelling unit means a singular unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

e. Equivalent residential unit or ERU means the average impervious area of residential developed properties located within the city, as calculated by the department of public works and established by common council resolution.

f. ERU rate means a fee which is charged on each ERU and which is established by common council resolution.

g. Impervious area means the number of square feet of hard-surfaced areas which either:

g-1. Prevent or retard the entry of water into soil mantle, as it entered under normal conditions as undisturbed property; or

g-2. Cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undisturbed property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, athletic courts and other paved surfaces.

h. Local sewerage charge means the sewerage charge as provided in sub. 3 imposed on each user who discharges waste water, directly or indirectly, into the city sewerage system.

i. Nonresidential developed property means any developed property other than residential developed property.

j. Operating costs means all costs of the city sewerage system within the scope of costs described under s. 66.0821(4)(a), Wis. Stats.

k. Residential developed property means developed property that contains one or more dwellings each containing one to 4 dwelling units. This term does not include a mobile home park as defined in s. 295-201-381.

L. Sewer maintenance fund means the fund created pursuant to sub. 8.

m. Storm water management charge means the charge provided in sub.5 to pay for operations, maintenance, extension, replacement and debt service for the city's storm water management system.

n. Vacant improved property means vacant property that is, or could reasonably be, served by any subdivision improvements that allow egress.

o. Water consumption data means data respecting water consumption as collected by the Milwaukee water works.

3. LOCAL SEWERAGE CHARGE.

a. There is imposed a local sewerage charge on each user who discharges wastewater directly or indirectly into the city sewerage system. This charge shall recover the operating costs of the city sewerage system. In recovering these costs, the charge will be based upon water consumption, adjusted for the volume and character of water returned to the sewer system as provided for in pars. b to e.

b. Water consumption of users shall be determined using the water consumption data.

c. Non-certified Non-residential Users. Water consumption shall be the annual water consumption data.

d. Certified Non-residential Users. Water consumption shall be the adjusted water consumption data identified through the certification process of the Milwaukee metropolitan sewerage district with respect to computation of sewer user charges under s. 200.59, Wis. Stats.

e. Residential Users. Residential water consumption shall be based as described in s. 309-53-6-a.

f. Identifiable items of operating costs specifically attributable to one or more particular non-residential users shall be charged back to those non-residential users as part of their local sewerage charge.

g. The common council shall adopt a resolution on an annual basis establishing the local sewerage charge imposed in accordance with this section.

4. LOCAL SEWERAGE CHARGE FOR WATER DISCHARGED INTO THE CITY SEWERS BUT NOT PURCHASED FROM THE MILWAUKEE WATER WORKS. For any property supplied with water, either in whole or in part, from any well or source other than the Milwaukee water works and discharging all or portions of such water into the city sewerage system, there shall be a local sewerage charge, separate from and in addition to any sewer service charge based on the consumption of water from the Milwaukee water works. All such wells or other sources of supply shall be identified and registered with the superintendent of the Milwaukee water works in accordance with s. 309-51-2-a-3-d. The local sewerage charge shall be imposed upon such properties in accordance with:

a. The volumetric water usage determined pursuant to s. 309-51-2-a-3; and

b. The resolution adopted by the common council pursuant to sub. 3-g establishing the local sewerage charge.

5. STORM WATER MANAGEMENT CHARGE.

a. There is imposed a storm water management charge on each and every developed property or vacant improved property, other than public rights-of-way, public streets, public alleys and public sidewalks, within the city.

b. The storm water management charge for each dwelling on a residential developed property shall be the ERU rate. For any nonresidential developed property or vacant improved property, the storm water management charge shall be computed based on the total impervious area of the property divided by the ERU multiplied by the ERU rate.

c. The common council shall adopt a resolution on an annual basis establishing the ERU and ERU rate. The ERU rate may, subject

to common council approval, be adjusted not more than one additional time per year on the basis of cost recovery experience.

6. OVERALL RESPONSIBILITY FOR ADMINISTERING SEWER-RELATED CHARGES. The commissioner of public works shall administer the local sewerage charge and the storm water management charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of each charge, and may make amendments thereto, subject to approval by the appropriate common council committee, as may be required from time to time for proper application of these charges. The commissioner shall also be responsible for reviewing and granting requests for adjustments of the storm water management charge for individual properties.

7. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING SEWER-RELATED CHARGES.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the local sewerage charge and the storm water management charge. The superintendent shall collect the charges and transmit the revenues here from to the city treasurer, together with water, solid waste and snow and ice removal revenues received.

b. City Treasurer. The city treasurer shall receive revenues from the local sewerage charge and the storm water management charge, and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section. All revenues, including interest, from the local sewerage charge and the storm water management charge shall be placed in the sewer maintenance fund unless otherwise provided by law.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be settled and collected as provided in ch.19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the local sewerage charge and the storm water management charge within the sewer maintenance fund.

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8. SEWER MAINTENANCE FUND. There is created for the city of Milwaukee a separate fund, to be called the sewer maintenance fund.

a. All revenue, including interest, derived from the local sewerage charge and the storm water management charge shall be placed in the sewer maintenance fund, unless otherwise provided by law, and shall be used to defray operating costs related to the city sewerage system and to pay costs of operation, maintenance, extension, replacement and debt service for the city's storm water management system. Reserves generated by net operating income in prior years may be used to offset sewer-related costs in subsequent years, including any debt service pertaining to general obligation borrowing for sewers, provided the sewer maintenance fund reserves enough cash on hand to support at least 60 days of operating expenditures.

b. The sewer maintenance fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him or her on vouchers drawn for the same in the manner provided in this section.

9. BILLING AND COLLECTING.

a. **Local Sewerage Charge.** The local sewerage charge shall be levied against water accounts and all other sewer users and shall be calculated by the water works. The charge shall be added to the water bill and shall be due and payable in the same manner as the water bill.

b. **Storm Water Management Charge.** The storm water management charge shall be levied against the water account of each property to which it applies and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as the water bill. The storm water management charge shall be a quarterly service charge determined by the provisions of this section and the ERU and ERU rate which are established and changed from time to time by resolution of the common council.

c. **Past-Due Accounts.** An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent use charges and 10% penalty shall be reported to the city comptroller for placement on the taxroll.

d. **Partial Payments.** When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

10. ADJUSTMENT OF STORM WATER MANAGEMENT CHARGE. The commissioner of public works may grant an adjustment to a storm water management charge for a particular property in accordance with the provisions of this subsection and the storm water management charge adjustment policy adopted by resolution of the common council.

a. **Eligibility.** The commissioner may grant an adjustment of the storm water management charge to any property owner except the owner of a dwelling containing one to 4 units.

b. **Application.** An application for adjustment of the storm water management charge shall be made in writing on a form prescribed by the commissioner and filed with the department of public works. The application shall set forth, in detail, the grounds upon which the adjustment is sought; it shall be the burden of the applicant to demonstrate by a preponderance of evidence that an adjustment of the charge is warranted. In addition, the applicant may be required to provide, at his or her own expense, supplemental information requested by the commissioner, including, but not limited to, survey data approved by a registered professional land surveyor and engineering reports approved by a professional engineer. Failure to provide required information shall be grounds for denial of the adjustment request.

c. **Action by Commissioner.** The commissioner shall issue a written decision as to whether the request for adjustment has been granted, denied, or granted in part and modified

in part within 20 business days of receipt of the application. The written decision shall set forth the reason or reasons for such decision.

d. Appeal. Any person aggrieved by the decision of the commissioner with respect to an application for storm water management charge adjustment may appeal such decision to the administrative review board of appeals within 30 days of notice of such decision. The board shall act on the appeal in accordance with s. 320-11 and applicable state law.

11. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a sewer maintenance fund, local sewerage charge, storm water management charge and the application of revenues from these charges are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section, which other provisions and parts shall remain in full force and effect.

12. APPEAL PROCEDURE.

a. Filing of Complaint. Whenever any local sewerage charge or storm water management charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay the charge when it becomes due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of the local sewerage charge or the storm water management charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. Determination by Commissioner. If, upon review by the commissioner of public works, it is determined that all or any part of any local sewerage charge or storm water management charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures to refund the amount of the overcharge. In the event that any person feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

c. Alternative Appeal Procedure. Notwithstanding the appeal procedure provided

in pars. a and b, and as an alternative right of appeal, any person required to pay the local sewerage charge or the storm water management charge shall have the unconditional right to file a complaint with the public service commission as provided in s. 6.0821(5)(a), Wis. Stats.

309-57. Street Lighting Cost-Recovery Special Charge.

1. PURPOSE.

a. The purpose of this section is to permit the city, as authorized under s.66.0627, Wis. Stats., to recover costs relating to provision of street lighting services through means of a street lighting cost-recovery special charge. Revenue generated by the special charge shall be allocated specifically and exclusively to the operation and maintenance of the city's street light system.

b. No charge shall be imposed on property in any city block where street lights are not installed.

2. CHARGE.

a. There is imposed a street lighting cost-recovery special charge to be collected on a quarterly basis on all property for street lighting services currently rendered, except for property exempted under sub. 1-b.

b. The common council shall adopt a resolution on an annual basis establishing the street lighting cost-recovery special charge imposed in accordance with this section. The recovery special charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost-recovery experience. The special charge shall reflect only the amount necessary for the city to recover the annual expense of operating and maintaining its street light system.

3. OVERALL RESPONSIBILITY FOR ADMINISTERING THE STREET LIGHTING COST-RECOVERY SPECIAL CHARGE. The commissioner of public works shall administer the street lighting cost-recovery special charge. The commissioner may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the street lighting cost-recovery special charge, and may make amendments thereto, subject to approval by the appropriate common council standing committee as may be required from time to time for proper application of the street lighting cost-recovery special charge.

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4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE STREET LIGHTING COST-RECOVERY SPECIAL CHARGE.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the street lighting cost-recovery special charge. The superintendent shall collect the special charge and transmit the revenue therefrom to the city treasurer, together with solid waste, water, snow and ice removal, and local sewerage revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the street lighting cost-recovery special charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll in a manner consistent with state law and the provisions of ch. 19 of the city charter.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the street lighting cost-recovery special charge.

5. BILLING AND COLLECTING. The street lighting cost-recovery special charge shall be levied against the water account and shall be calculated by the water works. The special charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances shall be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. The delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial

payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge, the snow and ice removal cost recovery charge, and the street lighting cost-recovery special charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge, the extra garbage cart charge, and the street lighting cost-recovery special charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a street lighting cost-recovery special charge, and the application of revenue from this special charge are separable. If any provision or part of this section is held to be unconstitutional or invalid by a court of competent jurisdiction, the court's decision shall not affect the validity of any other provisions or part of the section, and those provisions and parts not addressed by the court's decision shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any street lighting cost-recovery special charge is imposed in accordance with this section, and the person required to pay the charge feels aggrieved as a result of the imposition or collection of the charge, the aggrieved person shall pay the charge when the charge shall become due, but shall pay it under protest. Within 20 days following the payment, the aggrieved person may file with the commissioner of public works a complaint to the effect that the person is aggrieved by the imposition and collection of the street lighting cost-recovery special charge, his or her specific reasons for objection, and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any street lighting cost-recovery special charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review board of appeals, pursuant to s. 320-11.

309-61. Operation of Parking Facilities.**1. CONTRACT OPTION.**

a. The operations of city-owned permanent parking structures and non-permit, non-metered city-owned surface parking lots may, solely at the discretion of the commissioner of public works, be managed by the city, or managed by a private contractor under contract with the city or through a lease agreement. Management contracts and lease agreements may be for part or all operations at a parking facility.

b. Pursuant to s. 7-22 of the charter, all contracts for managing city permanent parking structures shall be awarded and administered by the commissioner of public works to the lowest responsible bidder in the manner provided in s. 7-14 of the charter and shall be for a minimum duration of 3 years with up to 2 one-year extensions allowable. All contracts for management of city parking structures shall be re-bid not less than every 5 years. All leases for operating non-permit, non-metered city-owned surface parking lots shall be awarded and administered by the commissioner of public works to the highest responsible bidder after competitive bidding, on the basis of lump sum bids payable in equal monthly installments. All leases shall be for a minimum duration of one year, with up to 4 one-year extensions allowable. All leases for operating city-owned surface parking lots shall be re-bid not less than every 5 years. Any variation to contract or lease terms in this paragraph shall be approved by the common council.

c. All contracts for managing city permanent parking structures may specify that the management firm must contract for and provide mobile, uniformed security guard service in all of the structures. The security guards must drive in marked security vehicles which display a yellow/amber light on the top of the vehicle to be easily identifiable by parking patrons. The guards must patrol all ramps with the vehicle and must walk into and check each of the structures' stairwells during their tours of duty. Each guard must carry a portable radio with communication capabilities to at least one cashier per structure and to a 24-hour security base station for additional backup if required.

d. All contracts for managing city permanent parking structures shall provide that at least one human operator be on the premises of each permanent parking structure managed to assist patrons whenever the structure is in

operation. Each human operator shall be employed or contracted by the management firm. This provision shall apply to all contracts entered into or extended after September 15, 2014.

2. PARKING RATES. Upon recommendation by the commissioner of public works and approval by the common council, the specifications for every contract for management of city parking structures shall contain a range of minimum to maximum rates to be charged. The schedule shall be established from time to time by the common council. All non-permit, non-metered city surface parking lot leases shall incorporate the maximum rate to be charged by the lessee under the direction of the commissioner of public works. The commissioner shall have authority to raise or lower rates within the approved range as market conditions and other factors warrant. Suggested rate changes outside the approved range shall be approved by the common council. The range of minimum to maximum rates to be charged shall be as follows:

a. Parking structures at MacArthur Square, 1215 N. 5th Street, 724 N. 2nd Street and 1000 N. Water:

a-1. 1st half hour - \$1.00 to \$8.00.

a-2. Daily maximum and special event – rates to be established by the commissioner.

a-3. Early bird and non-event night and weekend - \$3.00 to \$30.00.

a-4. Monthly: unreserved - \$55.00 to \$300.00; reserved - \$95.00 to \$350.00.

b. Non-permit, non-metered city surface parking lot lease maximum rates:

b-1. Daily parking - \$7.50.

b-2. Evening parking - \$6.00.

b-3. Monthly day - \$75.00.

b-4. Monthly evening - \$60.00.

b-5. Monthly 24 hours - \$100.00.

c. All contracts and leases shall provide that only the amount of spaces provided for by the design capacity of the facility shall be rented at any one time. Only passenger automobile, motor cycle, moped and bicycle parking shall be allowed unless otherwise specifically provided for in the design of the facility.

3. INSURANCE AND DEPOSITS.

a. All contracts and leases shall require the maintenance of policies of insurance as shall be determined by the city attorney, and shall require the contractor or lessee to defend

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and save harmless the city, its employees, officers and agents from all losses or expense by reason of liability imposed by law for damages because of bodily injury to any person in or on account of damages to property including the loss of use thereof which might occur in the operation of the parking facility. Policies shall provide for cancellation only after 60 days notice to be given to the city in writing. A certificate of insurance and a copy of the policy shall be filed by the contractor or lessee with the commissioner of public works. The amount and kinds of insurance to be provided for each parking facility shall be determined by the city attorney and shall be adequate to protect the interests of the city.

b. All parking contracts including leases shall require a performance bond or a letter of credit as determined by the commissioner of public works. The amount of the deposit, bond or letter of credit required shall be determined by the commissioner and shall be adequate to fully protect the city under the provisions of the contract or lease. All bonds or letters of credit shall be reviewed and approved by the city attorney and subsequently filed with the commissioner of public works.

309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works. The costs incurred by the commissioner of public works in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected as a special charge. Delinquencies placed upon the tax rolls shall be subject to payment and settlement as provided in ch. 19 of the city charter.

309-72. Notice and Appeal Procedures for Special Charges.

1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the administrative review board of appeals under the provisions of s. 320-11. No cost incurred in accordance with this section shall

be placed on the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review board of appeals as specified in this section.

b. The administrative review board of appeals' affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review board of appeals.

2. **APPLICABILITY.** The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

309-83. Snow and Ice Removal Cost Recovery Charge.

1. **PURPOSE.** The purpose of this section is to permit the city as authorized under s.66.0627, Wis. Stats., to recover costs relating to snow and ice removal through means of a snow and ice removal cost recovery charge.

2. CHARGE.

a. There is imposed a snow and ice removal cost recovery charge to be collected on all property for such service previously rendered.

b. The common council shall adopt a resolution on an annual basis establishing the snow and ice removal cost recovery charge imposed in accordance with this section. The recovery charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost recovery experience.

3. **OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.** The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety and health committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.

a. **Superintendent of Water Works.** The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the snow and ice removal cost recovery charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste water and local sewerage revenues as received.

b. **City Treasurer.** The city treasurer shall receive revenues from the snow and ice removal cost recovery charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll in a manner consistent with state law and the provisions of ch. 19 of the city charter.

c. **City Comptroller.** The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll for payment, settlement and collection as provided in state law and in the manner of other delinquent special charges under the provisions of ch. 19 of the city charter. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the snow and ice removal cost recovery charge.

5. BILLING AND COLLECTING. The snow and ice removal cost recovery charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the metropolitan sewerage

district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a snow and ice removal cost recovery charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any snow and ice removal cost recovery charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it under protest. Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such snow and ice removal cost recovery charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

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